REMARKS

The present application has been reviewed in light of the Office Action mailed on June 16, 2005. Claims 1, 2, 12, 16, 17, 27, 32, 40, 41, 44, 47, 49, 55, 61, 62 and 70-74 are pending in the application with Claims 1, 12, 16, 27, 47, 55, 62 and 73 being in independent form.

By the present amendment, the title of the application and Claims 16, 17, 62 and 73 have been amended. It is believed that no new matter is introduced into the claims by the amendments.

In the Final Office Action, Claims 1, 2, 12, 16, 17, 27, 32, 40, 41, 44, 47, 49, 55, 61, 62 and 70-74 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,760,470 issued to Bogosian et al. in view of U.S. Patent No. 6,044,360 issued to Picciallo. The rejection with respect to Claims 1, 2, 12, 27, 32, 40, 41, 44, 47, 49, 55, 61, 62, 70-72 and 74 is respectfully traversed.

Teachings of Bogosian et al.

Bogosian et al. teaches a method for transferring funds between buyers and sellers in an electronic commerce system that provides a marketplace for users to buy and sell goods, such as online auction systems or a "flea market" system. Bogosian et al. teaches that when a buyer purchases one or more items from a seller, the buyer's credit card account is charged to collect funds for the purchase, and at least a portion of the collected funds is deposited into a bank account of the seller using a previously extracted bank routing number. See Abstract; column 2, lines 48-67; column 5, lines 41-55; column 13, lines 48-55.

Examiner Mischaracterizes System Described by Bogosian et al.

The Examiner mischaracterizes the system described by Bogosian et al. in the Final Office

- 16 -

Action. For example, the Examiner mischaracterizes the system described by Bogosian et al. at the bottom of page 2 of the Final Office Action where the Examiner sets forth reasons for rejecting Applicants' Claims 1, 62 and 70-74. The Examiner recites the Applicants' claim language and states that Bogosian et al. discloses at column 13, lines 65 and column 14, line 5 and column 5, lines 35-55 that "funds stored within the plurality of payment accounts can be used by said plurality of users for effecting payment for network transactions associated with said electronic auction web site." Bogosian et al. discloses charging a buyer's credit card for collecting funds to be used for effecting payment. There is no disclosure or suggestion in Bogosian et al. (and Picciallo as discussed below) that funds stored within payment accounts can be used by the plurality of users for effecting payment for network transactions associated with the electronic auction web site as recited by Applicants' Claim 1.

Additionally, Applicants' Claims 62 and 70-74 do not include the above-quoted recitations which are attributed to these claims by the Examiner at page 2 of the Final Office Action. Accordingly, Applicants respectfully request the Examiner allow Claims 62 and 70-74 for the reasons sets forth below or clarify his position/reason for rejecting these claims. Applicants' claim language, which is recited by the Examiner at the bottom of page 2 of the Final Office Action in rejecting Claims 62 and 70-74, is recited by Applicants' Claim 1 and not by Applicants' Claims 62 and 70-74 (see list of claims above).

An additional example where the Examiner mischaracterizes the system described by Bogosian et al. is at page 7 of the Final Office Action where the Examiner sets forth reasons for rejecting Applicants' Claim 27. The Examiner recites Applicants' claim language and states that Bogosian et al. discloses at column 13, lines 65 and column 14, line 5 and column 5, lines 35-55

- 17 -

that the "buyer via the electronic auction web site ... [can transmit] information to an operator of the electronic auction web site for changing at least one payment source used for funding said payment account and for authorizing the loaning of funds to said buyer ... wherein the loaning of funds to the buyer does not include charging a credit card associated with the bum [sic]." There is no disclosure or suggestion in Bogosian et al. (and Picciallo as discussed below) that the buyer via the electronic auction web site can transmit information to an operator of the electronic auction web site for changing at least one payment source used for funding the payment account and for authorizing the loaning of funds to the buyer where the loaning of funds to the buyer does not include charging a credit card associated with the buyer as recited by Applicants' Claim 27.

Still another example where the Examiner mischaracterizes the system described by Bogosian et al. is at page 11 of the Final Office Action where the Examiner sets forth reasons for rejecting Applicants' Claim 55. The Examiner recites Applicants' claim language and states that Bogosian et al. discloses at column 13, lines 65 and column 14, line 5 and column 5, lines 35-55 that each payment account of the plurality of payment accounts is capable of being used "for complying to an incentive offer made by an operator of the electronic commerce web site ... wherein said incentive offer provides for a user of said plurality of users to perform an activity via said electronic commerce web site which will cause a change in the amount of funds stored in a payment account corresponding to the user. There is no disclosure or suggestion in Bogosian et al. (and Picciallo as discussed below) that each payment account is capable of being used for complying to an incentive offer made by an operator of the electronic commerce web site, let alone, disclosing or suggesting that the incentive offer provides for a user to perform an activity via the electronic commerce web site which will cause a change in the amount of funds stored in

- 18 -

a payment account corresponding to the user as recited by Applicants' Claim 55.

Bogosian et al. Does Not Disclose or Suggest Applicants' Claim Recitations

Bogosian et al. does not disclose or suggest at least the following claim recitations. Bogosian et al. does not disclose or suggest at least "creating a plurality of payment accounts configured for storing funds therein and corresponding to the plurality of users of the electronic auction web site ... wherein funds stored within the plurality of payment accounts can be used by said plurality of users for effecting payment for network transactions associated with said electronic auction web site," as recited by Applicants' Claims 1 and 12, and similarly recited by Applicants' Claim 47. Bogosian et al. further does not disclose or suggest at least "deducting funds from the payment account storing funds therein and corresponding to the winning bidder," as recited by Applicants' Claim 1.

With respect to Claim 16, Bogosian et al. does not disclose or suggest at least "effecting payment to the seller after receiving the at least one input by deducting funds from a payment account storing funds therein and corresponding to the buyer and transferring at least a portion of the deducted funds to the payment account corresponding to the seller."

Bogosian et al. further does not disclose or suggest at least "maintaining a plurality of payment accounts configured for storing funds therein and each capable of being used for effecting payment for network transactions associated with said electronic auction web site," as recited by Applicants' Claim 27, and similarly recited by Applicants' Claim 55.

Additionally, with respect to Claim 27, Bogosian et al. does not disclose or suggest at least "one of the plurality of payment accounts corresponds to the buyer and is accessible by the buyer via the electronic auction web site for transmitting information to an operator of the electronic

- 19 -

auction web site for changing at least one payment source used for funding said payment account and for authorizing the loaning of funds to said buyer, wherein the loaning of funds to the buyer does not include charging a credit card associated with the buyer." Bogosian et al. does not disclose or suggest funding payment accounts configured for storing funds therein and capable of being used for effecting payment for network transactions associated with an electronic auction web site, let alone, changing at least one payment source for funding such payment accounts. Bogosian et al. also does not disclose or suggest loaning fund funds to a buyer, where the loaning of funds includes charging a credit card associated with the buyer.

With respect to Applicants' Claim 55, Bogosian et al. does not disclose or suggest at least "each of said plurality of payment accounts ... [is] capable of being used ... for complying to an incentive offer made by an operator of the electronic commerce web site, wherein said incentive offer provides for a user of said plurality of users to perform an activity via said electronic commerce web site which will cause a change in the amount of funds stored in a payment account corresponding to the user." Bogosian et al. does not disclose or suggest incentive offers made by an operator of an electronic commerce web site, let alone, each of a plurality of payment accounts capable of being used for complying to the incentive offer made by the operator of the electronic commerce web site. Since Bogosian et al. does not disclose or suggest incentive offers, Bogosian et al. also does not disclose or suggest an incentive offer which provides for a user to perform an activity via the electronic commerce web site which will cause a change in the amount of funds stored in the payment account corresponding to the user.

With respect to Applicants' Claim 62, Bogosian et al. does not disclose or suggest at least "receiving via the electronic commerce web site at least one input from the buyer indicating an

- 20 -

initiation to purchase the at least one item offered for auction sale prior to said electronic commerce system receiving any bids for said at least one item ... [and] transferring funds from the at least one payment account storing funds therein and corresponding to the buyer to the at least one payment account corresponding to the seller in real-time to effect the immediate payment." Bogosian et al. does not disclose or suggest enabling a buyer to initiate purchase for at least one item offered for auction sale prior to receiving any bids for the at least one item, let alone, transferring funds from at least one payment account storing funds therein to at least one other payment account for effecting payment for the at least one item prior to receiving any bids for the at least one item.

With respect to Applicants' Claim 73, Bogosian et al. does not disclose or suggest at least "facilitating the transfer of funds associated with said financial system to a payment account associated with said electronic commerce merchant to effect payment to said electronic commerce merchant, wherein said method for effecting payment does not require the disclosure of credit card information corresponding to said electronic commerce customer to said financial system." Bogosian et al. discloses a payment method which includes disclosing credit card information corresponding to electronic commerce customers to financial systems (e.g., credit card companies) for charging the credit cards to collect funds for effecting payments.

Picciallo Does Not Cure the Deficiencies of Bogosian et al.

It is respectfully submitted that Picciallo does not cure at least the above-noted deficiencies of Bogosian et al. Hence, it is respectfully submitted that one skilled in the art at the time of Applicants' invention would not have looked to Picciallo to modify the system and method described by Bogosian et al.

- 21 -

Picciallo is directed to a third party credit card for use in paying for goods and services at point of sale locations, such as bars and restaurants, and casinos. Picciallo provides several examples of locations where the card may be used to purchase goods and services, including at computer software stores, a college book store, casinos, and cash withdrawals from ATMs. Picciallo is also directed to a system for transferring funds by using the credit card or magnetically encoded card, such as periodic allowance payments, by an account holder from a preestablished account to a third party recipient for the funds designated by the account holder. The account holder is provided with a periodic statement itemizing how the funds are spent by the third party recipient.

With the system described by Picciallo, the account holder may specify a limit on the amount of transactions in bars and restaurants, and casinos, for example. The data processing system would then be programmed to evaluate each requested transaction to determine if a limit has been set, and whether the requested transaction exceeds any set limit.

Picciallo does not disclose or suggest limitations recited by Applicants' claimed methods for effecting payment for at least one item offered for sale via an electronic auction web site or an electronic commerce web site as recited by Applicants' Claims 1, 12, 16, 27, 47 and 62. Picciallo also does not disclose or suggest limitations recited by Applicants' claimed integrated electronic commerce and electronic payment platform for effecting payment for at least one item offered for sale via an electronic commerce web site by a seller and purchased by a buyer as recited by Applicants' Claim 55. Additionally, Picciallo does not disclose or suggest limitations recited by Applicants' claimed method for effecting payment to an electronic commerce merchant as recited by Applicants' Claim 73.

- 22 -

Picciallo Does Not Disclose or Suggest Applicants' Claim Recitations

Picciallo does not disclose or suggest at least the following claim recitations. Picciallo does not disclose or suggest at least "creating a plurality of payment accounts configured for storing funds therein and corresponding to the plurality of users of the electronic auction web site ... wherein funds stored within the plurality of payment accounts can be used by said plurality of users for effecting payment for network transactions associated with said electronic auction web site," as recited by Applicants' Claims 1 and 12, and similarly recited by Applicants' Claim 47. Picciallo further does not disclose or suggest at least "deducting funds from the payment account storing funds therein and corresponding to the winning bidder," as recited by Applicants' Claim 1.

With respect to Claim 16, Picciallo does not disclose or suggest at least "effecting payment to the seller after receiving the at least one input by deducting funds from a payment account storing funds therein and corresponding to the buyer and transferring at least a portion of the deducted funds to the payment account corresponding to the seller."

Picciallo further does not disclose or suggest at least "maintaining a plurality of payment accounts configured for storing funds therein and each capable of being used for effecting payment for network transactions associated with said electronic auction web site," as recited by Applicants' Claim 27, and similarly recited by Applicants' Claim 55.

Additionally, with respect to Claim 27, Picciallo does not disclose or suggest at least "one of the plurality of payment accounts corresponds to the buyer and is accessible by the buyer via the electronic auction web site for transmitting information to an operator of the electronic auction web site for changing at least one payment source used for funding said payment account

- 23 -

and for authorizing the loaning of funds to said buyer, wherein the loaning of funds to the buyer does not include charging a credit card associated with the buyer." Picciallo does not disclose or suggest funding payment accounts configured for storing funds therein and capable of being used for effecting payment for network transactions associated with an electronic auction web site, let alone, changing at least one payment source for funding such payment accounts. Picciallo also does not disclose or suggest loaning fund funds to a buyer, where the loaning of funds includes charging a credit card associated with the buyer.

With respect to Applicants' Claim 55, Picciallo does not disclose or suggest at least "each of said plurality of payment accounts ... [is] capable of being used ... for complying to an incentive offer made by an operator of the electronic commerce web site, wherein said incentive offer provides for a user of said plurality of users to perform an activity via said electronic commerce web site which will cause a change in the amount of funds stored in a payment account corresponding to the user." Picciallo does not disclose or suggest incentive offers made by an operator of an electronic commerce web site, let alone, each of a plurality of payment accounts capable of being used for complying to the incentive offer made by the operator of the electronic commerce web site. Since Picciallo does not disclose or suggest incentive offers, Picciallo also does not disclose or suggest an incentive offer which provides for a user to perform an activity via the electronic commerce web site which will cause a change in the amount of funds stored in the payment account corresponding to the user.

With respect to Applicants' Claim 62, Picciallo does not disclose or suggest at least "receiving via the electronic commerce web site at least one input from the buyer indicating an initiation to purchase the at least one item offered for auction sale prior to said electronic

- 24 -

commerce system receiving any bids for said at least one item ... [and] transferring funds from the at least one payment account storing funds therein and corresponding to the buyer to the at least one payment account corresponding to the seller in real-time to effect the immediate payment." Picciallo does not disclose or suggest auction sales, let alone, enabling a buyer to initiate purchase for at least one item offered for auction sale prior to receiving any bids for the at least one item and transferring funds from at least one payment account storing funds therein to at least one other payment account for effecting payment for the at least one item prior to receiving any bids for the at least one item.

With respect to Applicants' Claim 73, Picciallo does not disclose or suggest at least "facilitating the transfer of funds associated with said financial system to a payment account associated with said electronic commerce merchant to effect payment to said electronic commerce merchant, wherein said method for effecting payment does not require the disclosure of credit card information corresponding to said electronic commerce customer to said financial system." Picciallo does not disclose or suggest electronic commerce transactions, let alone, methodologies for facilitating electronic commerce transactions.

Conclusions

Accordingly, it is believed that independent Claims 1, 12, 16, 27, 47, 55, 62 and 73 patentably distinguish Applicants' claimed subject matter Bogosian et al. and Picciallo, taken alone or in any proper combination. Accordingly, withdrawal of the rejection with respect to independent Claims 1, 12, 16, 27, 47, 55, 62 and 73 and allowance thereof are respectfully requested.

- 25 -

Claims 2, 17, 32, 40, 41, 44, 49, 61, 70, 71 and 74 depend from independent Claims 1, 16, 47, 55 and 73 and therefore include the recitations of these independent claims. Hence, for at least the reasons given above for independent Claims 1, 16, 47, 55 and 73, withdrawal of the rejection with respect to dependent Claims 2, 17, 32, 40, 41, 44, 49, 61, 70, 71 and 74 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application are patentably distinguishable over the art of record and allowance thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the undersigned Applicant at (631) 220-5706.

Respectfully submitted,

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- 26 -